

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

SCOTT M. THORPE,

Plaintiff,

v.

5:13-CV-0902
(GTS/ATB)

VILLAGE OF GREENWICH; VILLAGE OF CAMBRIDGE;
CAMBRIDGE/GREENWICH POLICE DEP'T; GEORGE
BELL, JR., Cambridge/Greenwich Chief of Police;
WASHINGTON CNTY.; WASHINGTON CNTY. CORR.
FACILITY; WASHINGTON CNTY. SHERIFF'S DEP'T;
ROGER LeCLAIRE, former Washington Cnty. Sheriff;
THE POST STAR NEWSPAPER OF GLEN FALLS,
NEW YORK; DON LEHMAN, Reporter/Employee of the
Post Star Newspaper; KEVIN KORTRIGHT, District
Attorney of Washington Cnty.; CHRISTIAN MORRIS,
Washington Cnty. Public Defender's Office; and BRUCE
HAMILTON, Investigator, Washington Cnty. Sheriff's Dep't,

Defendants.

APPEARANCES:

SCOTT M. THORPE

Plaintiff, *Pro Se*

Auburn Correctional Facility

P.O. Box 618

Auburn, New York 13021

GLENN T. SUDDABY, United States District Judge

DECISION and ORDER

Currently before the Court, in the above-captioned civil rights action filed *pro se* by Scott M. Thorpe ("Plaintiff") pursuant to 42 U.S.C. § 1983, is United States Magistrate Judge Andrew T. Baxter's Report-Recommendation recommending that all of the claims asserted in Plaintiff's Complaint be *sua sponte* dismissed with prejudice pursuant to 28 U.S.C. § 1915, except for his due process claim in "Count II" of that Complaint, which Magistrate Judge Baxter recommends

be dismissed only if Plaintiff fails to file an Amended Complaint correcting the pleading defects in that claim. (Dkt. No. 4.) Plaintiff has filed an Objection to Magistrate Judge Baxter's Report-Recommendation. (Dkt. No. 5.) Based upon a *de novo* review of the filed papers in this action, including Plaintiff's Complaint, Magistrate Judge Baxter's Report-Recommendation, and Plaintiff's Objection thereto, the thorough Report-Recommendation is accepted and adopted in its entirety for the reasons stated therein. (Dkt. No. 5.)

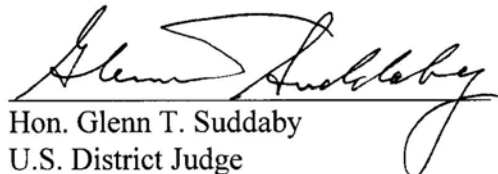
ACCORDINGLY, it is

ORDERED that Magistrate Judge Baxter's Report-Recommendation (Dkt. No. 4) is **ACCEPTED** and **ADOPTED** in its entirety; and it is further

ORDERED that all of the claims asserted in Plaintiff's Complaint (Dkt. No. 1) are *sua sponte* **DISMISSED** with prejudice pursuant to 28 U.S.C. § 1915, **EXCEPT** for the due process claim in "Count II" of his Complaint, which will be **DISMISSED** without further Order of this Court if Plaintiff fails to file an Amended Complaint correcting the pleading defects in that claim within **THIRTY (30) DAYS** of the date of this Decision and Order.

Plaintiff is cautioned that his Amended Complaint must be a complete pleading that will replace and supersede his original Complaint in its entirety, and that his Amended Complaint may not attempt to re-assert any claim that was dismissed with prejudice by this Decision and Order. In addition, Plaintiff is reminded that, if he fails to file an Amended Complaint that states a claim upon which relief can be granted, his action will be dismissed without further Order of the Court.

Dated: February 24, 2014
Syracuse, New York


Hon. Glenn T. Suddaby
U.S. District Judge